

## UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF SOUTH CAROLINA

SPARTANBURG DIVISION

\* \* \* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD WALKER,

Defendant.

\* \* \* \* \*

\* CRIMINAL NO. 7:24-CR-00031  
\* OCTOBER 21, 2024 9:32 A.M.  
\* SENTENCING HEARING  
\*  
\*\* Before:  
\* HONORABLE DONALD C. COGGINS, JR.  
\* UNITED STATES DISTRICT JUDGE  
\* DISTRICT OF SOUTH CAROLINA

## APPEARANCES:

For the Plaintiff: JAMIE L. SCHOEN, AUSA  
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For the Defendant: LORA BLANCHARD, ESQUIRE  
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Court Reporter: Michele E. Becker, RMR, CRR, RPR  
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Proceedings recorded by mechanical stenography, transcript  
produced by computer.

1 (Court convened at 9:32 a.m.)

2 (Excerpts not transcribed at request of counsel.)

3 **THE COURT:** Ms. Schoen.

4 **MS. SCHOEN:** Yes, Your Honor. This is United States  
5 versus Richard Brian Walker 7:24-31. Mr. Walker is present  
6 and represented by his attorney, Ms. Lora Blanchard and we're  
7 here for sentencing.

8 **THE COURT:** All right. Ms. Blanchard, I have  
9 reviewed the file with respect to the indictment and the  
10 counts Mr. Walker has pled to. I have reviewed the  
11 preliminary order of forfeiture with respect to that property,  
12 the presentence investigation report, and your motion for a  
13 downward variance with sentencing memorandum, as well as  
14 letters attached to that. Are there any other written  
15 submissions?

16 **MS. BLANCHARD:** No, Your Honor.

17 **THE COURT:** Anything else in writing from the  
18 government?

19 **MS. SCHOEN:** No, Your Honor.

20 **THE COURT:** All right. Ms. Blanchard, with respect  
21 to the presentence investigation report, have you had an  
22 adequate opportunity to review the report and go over it with  
23 Mr. Walker?

24 **MS. BLANCHARD:** Yes, Your Honor.

25 **THE COURT:** Have you fully explained it to him and

1 answered any questions he had concerning it?

2 **MS. BLANCHARD:** I have.

3 **THE COURT:** And do you believe he understands it?

4 **MS. BLANCHARD:** Yes, Your Honor.

5 **THE COURT:** Thank you. Madam Clerk, would you place  
6 the defendant under oath.

7 **THE CLERK:** Sir, please stand, raise your right hand  
8 and state your name for the record.

9 **THE DEFENDANT:** Richard Brian Walker.

10 (Whereupon, the defendant is duly sworn on oath.)

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** Thank you, sir. Mr. Walker, have you  
13 had a sufficient opportunity to review the presentence  
14 investigation report in your case and go over it with your  
15 attorney?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Has Ms. Blanchard explained it to you  
18 and answered any questions you had concerning it?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Do you believe you understand it?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** Do you need any additional time to  
23 review the report or confer with Ms. Blanchard about it?

24 **THE DEFENDANT:** No, sir.

25 **THE COURT:** Are you ready to proceed?

1           **THE DEFENDANT:** Yes, sir.

2           **THE COURT:** All right. Thank you, sir.

3           Ms. Blanchard, with respect to the report I think  
4 you had a number of objections. Where are we on those?

5           **MS. BLANCHARD:** Your Honor, I believe that we have  
6 resolved those objections. With regard to objections 1 and 2,  
7 I believe that we have agreed with the government that instead  
8 of 50 and 50, it should just be one 50-kilogram weight.  
9 Unfortunately that doesn't make a difference as to the drug  
10 numbers, but we've come to that resolution if the Court is  
11 okay with that.

12           **THE COURT:** All right. Just for the record, as I  
13 understand it, the objection was essentially to a double  
14 counting of the 50 kilograms of meth, and that was reflected  
15 in the amount acknowledged in paragraph 33 of the report where  
16 it double counted in paragraph 56 of the report; is that  
17 correct?

18           **MS. BLANCHARD:** That's correct, Your Honor.

19           **THE COURT:** All right.

20           **MS. BLANCHARD:** And then, Your Honor, with regard to  
21 objection number 3, I believe that we have come to an  
22 agreement with the government. While they submit that it was  
23 correctly calculated and put on there, they are not -- they  
24 have no opposition to our objection that the two-level  
25 increase should not apply to the stash house.

1           **THE COURT:** All right. Is that right, Ms. Schoen?

2           **MS. SCHOEN:** Yes, Your Honor. As Ms. Blanchard  
3       stated, the government believes that the PSR is correct and  
4       was correctly calculated. However, we are talking about very  
5       very high numbers as the Court is well aware. And a two-level  
6       reduction given the totality of the circumstances, that would  
7       be a level 35 total offense level. The government -- and then  
8       you have the 924(c) on top of that. The government believes  
9       that those numbers would satisfy the purposes of punishment  
10      under Rule 3553(a), so we're not putting up a witness and  
11      we're fine with that two levels coming out.

12           **THE COURT:** All right. Just trying to make sure we  
13      keep the record straight here. As to objections 1 and 2,  
14      those objections are essentially going to be treated as  
15      sustained because of the double counting. And the PSR will be  
16      amended to reflect that decrease in 50 kilograms of meth. As  
17      to number 3 and the stash house, you agree that it was  
18      appropriately written, so I'm not going to require any  
19      amendment to the PSR. However, the government does not object  
20      or concedes the two-point difference in the guideline on the  
21      stash house enhancement because it's essentially not going to  
22      have any ultimate effect on the guidelines; is that right?

23           **MS. SCHOEN:** Your Honor, it will have an impact on  
24      the guidelines. I believe probation may have already looked  
25      at the amount that would be -- I don't have it right on hand,

1 but I believe that the two-level reduction is appropriate. So  
2 whether we handle it via a variance or we handle it by  
3 agreement.

4 **THE COURT:** I think the easiest way to do it is to  
5 handle it by variance, and so Ms. Blanchard, on your variance  
6 motion, you got two levels to start with.

7 **MS. BLANCHARD:** Okay.

8 **THE COURT:** Okay. And we'll go from there.  
9 Ms. Pagan, I'm just trying to keep the record as simple as I  
10 can. Will that work from probation's standpoint?

11 **PROBATION OFFICER:** Yes, sir. As far as with the  
12 drug weight, the double count, that's already been addressed  
13 and then with the two-level removal that would change his  
14 guideline range. And when it's appropriate, I'll advise the  
15 Court on that guideline range.

16 **THE COURT:** Let's go head and talk about that.

17 **PROBATION OFFICER:** Yes, sir.

18 **THE COURT:** When you take out the two points for the  
19 stash house enhancement, which I'm going to grant as a  
20 variance since the government is not contesting it, what does  
21 that do for us?

22 **PROBATION OFFICER:** So, his total offense level will  
23 be reduced to 35. His guideline range will be 235 to 293.  
24 Plus the 60 months, the consecutive 60 months, it will be a  
25 total of 295 months to 353 months.

1           **THE COURT:** Okay. So 295 to 353 three.

2           **PROBATION OFFICER:** Yes, sir.

3           **THE COURT:** All right. With respect to the change  
4 in the drug weight based on the 50 kilograms, and also because  
5 I want to treat Mr. Walker the same as I'm treating the other  
6 defendants to the extent that any of his was ice, which I  
7 believe in paragraph 57 it was. If we -- if we change that  
8 and treat it all as meth, if the numbers we came up with are  
9 correct, then in 57, paragraph 57 on page 16, the total amount  
10 of methamphetamine is going to be 54,512 grams; is that right?

11           **MS. SCHOEN:** That is correct.

12           **THE COURT:** And then if we come down to paragraph  
13 60, that's going to change his converted drug weight to  
14 109,272 kilograms?

15           **PROBATION OFFICER:** That is correct, sir.

16           **THE COURT:** Now, you told me about two levels on the  
17 stash house enhancement taking us down to a 35. Does that  
18 change in converted drug weight have any additional effect on  
19 his total offense level?

20           **PROBATION OFFICER:** No, Your Honor.

21           **THE COURT:** I didn't think so based on the ranges  
22 and the drug table, but I just wanted to confirm that.

23           **PROBATION OFFICER:** Yes, sir.

24           **THE COURT:** All right. Thank you.

25           All right. Ms. Blanchard, any other objections?

1 MS. BLANCHARD: No, Your Honor.

2 THE COURT: Any objections from the government?

3 MS. SCHOEN: No, Your Honor.

4 THE COURT: All right. Hearing no further  
5 objections based upon the Court's rulings as just announced,  
6 the Court will adopt the presentence investigation report as  
7 amended as the finding of facts for purposes of this  
8 sentencing hearing and the record will so reflect.

9 Now, Mr. Walker pled guilty to count 1, count 7,  
10 counsel 8, count 9, and count 10 of the indictment. Count 1  
11 is for conspiracy to possess with intent to distribute  
12 methamphetamine and fentanyl in violation of Title 21 United  
13 States Code Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(B),  
14 and 846.

15 Count 7 is for possession with intent to distribute  
16 methamphetamine and fentanyl. Again, in violation of 21  
17 U.S.C. Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B).

18 Count 8 is for felon in possession of a firearm and  
19 ammunition in violation of Title 18 United States Code  
20 Sections 922(g)(1), 924(a)(8), 924(e).

21 Count 9 is to possession of a short barrel rifle in  
22 violation of Title 26 United States Code Sections 5 -- excuse  
23 me, 5861(i) and 5871.

24 And finally, count 10 is for possession of a firearm  
25 in furtherance of a drug trafficking crime in violation of



1 Title 18 United States Code Section 924(c)(1)(A).

2           Guideline -- excuse me, statutory provisions and  
3 guideline provisions applicable in Mr. Walker's case with  
4 respect to the statute as to a period of custody, count 1 is  
5 ten years to life, count 7 is ten years to life, count 8 is  
6 not more than 15 years, count 9 is not more than ten years.  
7 Count 10 is five years to life consecutive to all other  
8 counts. Supervised release of count 1 -- excuse me, as count  
9 1 is at least five years. Count 7 is at least five years.  
10 Count 8 is not more than three years. Count 9 is not more  
11 than three years. Count 10 is not more than five years. He  
12 would be statutorily ineligible for a sentence of probation.  
13 The fine applicable in this case as to count 1 is \$10 million.  
14 As to count 7, \$10 million. As to count 8, \$250,000. As to  
15 count 9, \$10,000, and as to count 10, \$250,000, for a total of  
16 \$20,510,000.

17           Special assessment fee of \$100 is applicable to all  
18 five counts for a total of \$500. Guideline provisions as  
19 previously discussed, his total offense level is a 35,  
20 criminal history category is a four. Again, he's ineligible  
21 for probation. His guideline range for imprisonment would be  
22 235 to 293 months, plus 60 months consecutive as to count 10  
23 for a total of 295 to 353 months. Five years supervised  
24 release. No fine has been calculated due to inability to pay.  
25 Restitution is not applicable. And there is the 500-dollar

1 special assessment fee.

2 Are there any objections or exceptions to the  
3 Court's statement of the applicable statutory provisions and  
4 guideline provisions from the government?

5 **MS. SCHOEN:** No, Your Honor.

6 **THE COURT:** Any from the defense?

7 **MS. BLANCHARD:** No, Your Honor.

8 **THE COURT:** All right. Ms. Schoen, I'll hear from  
9 you first.

10 **MS. SCHOEN:** Yes, Your Honor. The government  
11 believes that a very significant sentence is warranted in this  
12 case to satisfy the purposes of punishment. Specifically,  
13 Mr. Walker had been identified as a multi kilogram  
14 methamphetamine distributor. Surveillance was taking place at  
15 his residence, and an individual was observed coming up to  
16 that residence. That individual left and was found in a  
17 traffic stop with guns, methamphetamine, and drug -- guns and  
18 drugs, and had stated he had just delivered 4 kilograms of  
19 methamphetamine to Mr. Walker. A search warrant was conducted  
20 at Mr. Walker's house, and fentanyl and methamphetamine were  
21 found there in the storage building. There were guns and  
22 drugs in his room. There were guns and drugs. The guns in  
23 question were a green colored pistol of some sort that was  
24 loaded, and that's in paragraph 42. And then in paragraph 43  
25 he had a Tactical rifle and unmarked short barrel AR15 style

1 rifle. Law enforcement calls these type of firearms "Ghost  
2 Guns." Their manufacture cannot be attributed and they do not  
3 have serial numbers. The risks -- Mr. Walker admits that he  
4 has been distributing 50 kilograms of methamphetamine. His  
5 history, he was on probation at the time of this offense.

6 As the Court is well aware, these are incredibly  
7 serious crimes. Fentanyl and methamphetamine are a scourge on  
8 our society, killing our citizens, taking away members of  
9 families and employees to be productive citizens. They also  
10 are -- this also is incredibly dangerous given the guns in  
11 question, and the ghost gun specifically. Mr. Walker has a  
12 prior criminal history of domestic violence including domestic  
13 violence, burglary, possession with intent to distribute  
14 methamphetamine, and as I think I stated before, he was on  
15 probation at the time.

16 So, unfortunately, Mr. Walker has been given an  
17 opportunity to change. As I believe may come up later on,  
18 he's been given a couple of opportunities to change, and he  
19 has chosen not to do so. So therefore in order to protect the  
20 public from future crimes of Mr. Walker and to promote  
21 deterrence, specifically, and incapacitation for Mr. Walker  
22 under a note of seriousness and to reflect the seriousness of  
23 the offense, the government believe's a guideline sentence is  
24 appropriate.

25 **THE COURT:** All right. Ms. Blanchard.

1           **MS. BLANCHARD:** Thank you, Your Honor. I do have  
2 one issue I'd like to address that may be appropriate for us  
3 to go in camera if the Court is okay with that. There's just  
4 something kind of very brief. It does not -- if you are okay  
5 with doing that.

6           **THE COURT:** All right. I don't see anyone who's not  
7 court personnel in the courtroom. So I don't see any need to  
8 seal the courtroom. But we will on the record go in camera at  
9 this time so I can hear the grounds for your motion for an in  
10 camera proceeding.

11           **MS. BLANCHARD:** Thank you, Your Honor.

12           **THE COURT:** Ms. Blanchard.

13           **MS. BLANCHARD:** When Mr. Walker was first arrested,  
14 he was given -- he gave a post arrest interview without the  
15 benefit of a lawyer. It was not under proffer. So we're in a  
16 situation where the government is now using that testimony  
17 against him. So he has cooperated to the extent that he has  
18 provided information about himself that is now being used  
19 against him. But because of the situation and because of his  
20 fear of continuing to cooperate moving forward, we're not in a  
21 position where the government would be asking him for a --  
22 asking for a 5K motion. But we're asking that you consider  
23 that he did give that statement post arrest in determining  
24 what his sentence should be.

25           **THE COURT:** All right. Ms. Schoen, would you like

1 to be heard?

2 **MS. SCHOEN:** Yes, Your Honor. The government has no  
3 opposition with the in camera proceedings. And the context of  
4 where we are, I think it's just important to have as well.  
5 Mr. Walker was cooperating with law enforcement at the time  
6 this event occurred. So he was trying to cooperate in -- what  
7 date are we at? In January of 2023, and then he continues.

8 **THE COURT:** There were some other activity after.

9 **MS. SCHOEN:** Right. We end up here where he is  
10 distributing and obtaining kilogram quantities of  
11 methamphetamine. So the government does appreciate and  
12 doesn't want to make light of any attempt that a person had to  
13 cooperate. However, the context of this is not a good context  
14 to be in when you are trying to cooperate and then you are  
15 distributing kilograms, transporting kilograms, receiving  
16 kilograms of methamphetamine, isn't a good place to be.

17 **THE COURT:** All right. Keep this from becoming too  
18 jumbled. First of all, I do find there's good ground for the  
19 in camera proceedings, so that motion is granted with respect  
20 to the substance of the presentation.

21 Ms. Blanchard, anything else?

22 **MS. BLANCHARD:** No, Your Honor.

23 **THE COURT:** All right. There not being any further  
24 need for in camera proceedings, we will go back on the record  
25 at this point, and Ms. Blanchard, I'll be happy to hear from

1     you.

2                   **MS. BLANCHARD:** Thank you, Your Honor. Mr. Walker  
3     has accepted responsibility for his actions in this case.  
4     Unfortunately this was a situation where it was cooperate or  
5     you get nothing, and so he ended up pleading to every count of  
6     the indictment. He has been in custody since February of  
7     2023, so he's been at this point about 20 months in custody,  
8     which is the longest he's ever been in custody. Even a  
9     sentence of 15 years, which is the mandatory minimum, would be  
10    longer than he has ever served in custody.

11                  As I set forth in the motion, he grew up with his  
12    mother and his father who was an alcoholic. He at times was  
13    afraid that his father was going to hurt his mother. Very  
14    close to her. After his father passed away, he remained in  
15    the home with her. She had a stroke. He took care of her so  
16    that she would not have to go into a nursing home. She passed  
17    away in October of 2018. And when you look at his criminal  
18    history, up until that point it was relatively minor. He  
19    still was a convicted felon at this point. But there wasn't a  
20    whole lot of activity. And then we go to paragraph 72, 2019,  
21    he was arrested with burglary. He was sentenced to that in  
22    2020. And then he was also charged in 2020 with possession  
23    with intent to distribute methamphetamine.

24                  The government said that he had been given a chance  
25    before. I don't know that he really was given a chance

1 before. He was sentenced in 2020, began probation in 2021,  
2 and then has another conviction in 2023 but for conduct that  
3 happened in 2020. He did not handle the death of his mother  
4 well. He went from using drugs recreationally and drinking to  
5 getting drunk and high every night. It's that conduct that  
6 led him here to having large quantities and dealing to support  
7 his habit. He did serve time at the South Carolina Department  
8 of Corrections when he came into custody -- or when he came up  
9 for his initial appearance he was still in state custody. He  
10 choose to go back to SCDC so that he could complete alcohol  
11 addiction treatment.

12 **THE COURT:** Did he complete that sentence?

13 **MS. BLANCHARD:** He did complete that sentence. And  
14 so part of that was that he completed substance abuse  
15 treatment at the Addiction Treatment Unit, the ATU at  
16 Turbeville Correctional. So he was able to complete that. He  
17 does want to complete programming and drug treatment moving  
18 forward. He wants to be better when he gets out, and  
19 programming is one of the ways that he knows that he can do  
20 that.

21 He does have a good relationship with his son Dillon  
22 who's 27. We were hoping he was going to show up, but he's  
23 not here yet. So that's kind of where we are with this.

24 He's looking at a lot of time. And no matter what  
25 sentence you give him, he will be significantly older. He's

1 49 now, and he will be in a completely different situation.  
2 He has been forced to deal with both his drug use and the loss  
3 of his mother. I don't know that he's completely dealt with  
4 that, but he certainly started that process. And that's  
5 something that he'll have to continue to deal with when he is  
6 released. And so I'm hopeful that he's able to get the tools  
7 that he needs so that he could do that.

8 **THE COURT:** All right. Anything further from the  
9 government before I hear from the defendant?

10 **MS. SCHOEN:** No, Your Honor.

11 **THE COURT:** All right. Mr. Walker, you have the  
12 right to address the Court prior to my making a final decision  
13 on sentencing in your case. You're not obligated to say  
14 anything. But if there's anything you want to tell me about  
15 yourself, about this situation, about the facts and  
16 circumstances surrounding this time period in your life, or  
17 anything else that you think I should know in making this  
18 decision, I'll be happy to hear from you.

19 **THE DEFENDANT:** Yes, sir. I mean, I just got caught  
20 up in a bad situation at a bad time in my life. Made poor  
21 decisions. Thought I was doing what I needed to do to support  
22 my habit and take care of what I done need to take care of. I  
23 just hope that I can get out of prison not in a wheelchair or  
24 even get out of prison. I'm 49 years old. Twenty-five years  
25 is basically a life sentence for me. I mean, I just -- I want



1 to try to put this behind me and get out and spend whatever  
2 little time I got out of prison. Hopefully have some  
3 grandkids.

4 THE COURT: All right. Thank you, sir.

5 THE DEFENDANT: Thank you.

6 THE COURT: Anything else, Ms. Blanchard?

7 MS. BLANCHARD: No, Your Honor.

8 THE COURT: Ms. Schoen, anything else?

9 MS. SCHOEN: No, Your Honor.

10 THE COURT: And I will note as I had noted earlier,  
11 I did read the letters from Mr. Vaughn, Mr. Meng -- I think  
12 it's Mr. Meng -- and Mr. Walker. I read the letter that you  
13 sent me as well.

14 With respect to the sentencing decision, as I  
15 explained at the time of the guilty plea, Mr. Walker, we're  
16 required to determine the United States sentencing guidelines  
17 that apply to your case and then determine if there is any  
18 basis, legal basis for a departure either down or up. And  
19 then likewise from a factual basis under the facts and  
20 circumstances of your situation, is there any basis for a  
21 variance either downward or upward.

22 With respect to any legal ground for departure, I  
23 don't find any nor has counsel asked for a departure.  
24 Ms. Blanchard has asked for a downward variance on your  
25 behalf. And to the extent that the government has conceded on

1 the stash house enhancement, that downward variance of two  
2 levels has already been granted. With respect to the argument  
3 in the sentencing memorandum about not only your difficult  
4 upbringing but also the stress of the loss of your mother, as  
5 well as the attempts at cooperation, it seems to me that while  
6 I don't doubt the reliability of any of that information, that  
7 you did have a difficult upbringing and it had a profound  
8 effect on you as you moved into adulthood, that the death of  
9 your mother had a profound impact on you as the loss of a  
10 parent does on all of us. Some of us at younger ages than you  
11 were. Those are the type of things that typically people in  
12 society handle every day without getting involved in large  
13 scale drug trafficking and being armed while you're doing it.  
14 That's a rather interesting -- that's a rather interesting way  
15 to react to that.

16 I'm more impressed by your attempt to cooperate in  
17 this case. But I also understand what the government is  
18 saying in that you're wanting to cooperate and hopefully get  
19 some credit for it. At the same time you're still elbow deep  
20 in the activity, which kind of takes a little bit of the shine  
21 off of the cooperation. Perhaps what I'm most impressed about  
22 is something that has not been significantly argued in the  
23 written submissions, but Ms. Blanchard arguing it today and  
24 you made reference to it as well, which is at 49 and about to  
25 turn 50 in January, you're a little bit old for this

1 foolishness. And by the time you get out, hopefully you'll be  
2 old enough that you'll be too old for this foolishness. I  
3 hope that you'll be rehabilitated. But even if you're not,  
4 from the standpoint of protecting society and the community  
5 and from the standpoint of deterring you, it may be that old  
6 age and health does more than I can do in that regard.  
7 Nevertheless, with the stash house enhancement removed, that  
8 got you down to a level 35.

9 I'm going to grant the motion for a further variance  
10 for another two levels down to a level 33, which I believe  
11 with your criminal history category of a four puts us at 188  
12 to 200, about 35 months. Now, within that guideline range  
13 taking into account as I must the seriousness of the offense  
14 and the need for the sentence to impose just punishment and to  
15 protect the public and all of those other factors, and also  
16 the need to avoid unwanted sentencing disparities, I find that  
17 a sentence in the somewhat middle of that range is appropriate  
18 under the totality and facts and circumstances in this case.

19 So let me ask this before I pronounce sentence.  
20 Ms. Blanchard, I note that we've had some folks join us. I  
21 just want to make sure before we conclude that no one else  
22 wants to address the Court?

23 **MS. BLANCHARD:** Let me check with that, Your Honor.

24 Your Honor, Mr. Walker's son is present. Does want  
25 you to know that he's present but has nothing to add at this

1 point.

2 **THE COURT:** All right. Thank you.

3 Ms. Schoen, anything else?

4 **MS. SCHOEN:** Your Honor, I'm sure you're going to  
5 get to this. I just want to make sure so I can write it down.  
6 33 and four is the guidelines on the 841, and then do we  
7 have --

8 **THE COURT:** We still have the 60 consecutive.

9 **MS. SCHOEN:** Thank you, Your Honor.

10 **THE COURT:** And I apologize for the lack of clarity  
11 on that. All right.

12 After having calculated and considered the advisory  
13 sentencing guidelines and having also considered the relevant  
14 statutory sentencing factors contained in Title 18 United  
15 States Code Section 3553(a), as well as the arguments of  
16 counsel both in written submissions and in the hearing today,  
17 as well as the allocution testimony of the defendant and the  
18 letters of reference or character reference letters previously  
19 noted by the Court, it is the judgment of this Court that the  
20 defendant, Richard Brian Walker, is hereby committed to the  
21 custody of the Bureau of Prisons to be imprisoned for a term  
22 of 210 months. The term consists of 210 months as to counts 1  
23 and 7, 180 months as to count 8, 120 months as to count 9.  
24 All such terms to reason concurrently. As to count 10 the  
25 term of incarceration is 60 months which shall run consecutive

1 to all other counts. That's a total of 270 months.

2 It appears the defendant does not have the ability  
3 to pay a fine, therefore the fine is waived. The defendant  
4 shall pay the mandatory 500-dollar special assessment fee.  
5 Upon his release from imprisonment the defendant shall be  
6 placed on supervised release for a term of five years. This  
7 term consists of five years as to counts 1, 7, and 10, and  
8 three years as to count 7 and 8. All such terms to run  
9 concurrently.

10 While he is on supervised release the defendant will  
11 comply with all mandatory conditions of supervision outlined  
12 in Title 18 United States Code Section 3583(d) and United  
13 States Sentencing Guidelines Section 5D1.3(a), as well as the  
14 standard or discretionary conditions outlined in United States  
15 Sentencing Guidelines Section 5D1.3(c). All as noted in  
16 paragraph 134 and 137 of the presentence report which are  
17 incorporated by reference herein.

18 Standard conditions of supervision 1 through 9 and  
19 13 serve the statutory sentencing purposes of public  
20 protection and rehabilitation pursuant to Title 18 United  
21 States Code Section 3553(a)(2)(C) and (D). Standard condition  
22 of supervision 10 and 12 serve the statutory purpose of public  
23 protection pursuant to Title 18 United States Code Section  
24 3553(a)(2)(C). Standard condition of supervision 11 ensures  
25 that the defendant does not engage in activities that may

1 potentially conflict with the other conditions of supervision  
2 and that may pose risk to the defendant's probation officer.

3           The defendant shall also comply with the following  
4 special conditions for the reasons set forth in the  
5 presentence report which has previously been adopted by this  
6 Court as the finding of facts for purposes of this sentencing  
7 hearing. Those special conditions are as follows: Number 1,  
8 you must submit to substance abuse testing to determine if you  
9 have used a prohibited substance. Random drug testing is  
10 being ordered in this case due to the nature of the incident  
11 offense and the prior drug use of the defendant as indicated  
12 in paragraphs 119 and 120 of the presentence report. Such  
13 drug testing will help assist the probation officer in  
14 ensuring that the defendant remains in compliance with the  
15 conditions of his supervision without being involved in the  
16 use or possession of a controlled substance.

17           Number 2, you must contribute to the cost of such  
18 testing program in an amount not to exceed that determined  
19 reasonable by the court-approved United States Probation  
20 Office's sliding scale for services, and you will cooperate in  
21 securing any applicable third-party payment such as private  
22 insurance or Medicaid. This condition is being imposed to  
23 help offset government testing, treatment, and referral  
24 resource expense, as well as to increase the defendant's  
25 personal investment in his or her treatment and other

1 services.

2 With respect to conditions of confinement, I  
3 believe, Ms. Blanchard, you mentioned or it may have been  
4 Mr. Walker mentioned that he would like additional drug  
5 treatment. And I will recommend to the Bureau of Prisons that  
6 he be screened for and placed in an appropriate drug  
7 rehabilitation treatment program with preference for the  
8 Residential Drug Abuse Program known as RDAP.

9 With respect to facility assignment, given that  
10 Mr. Walker has family in this area, I will recommend to the  
11 Bureau of Prisons that he be assigned, if possible, to a  
12 facility within the District of South Carolina in order to  
13 facilitate family visitation, that is, for humanitarian  
14 purposes. Also will recommend to the Bureau of Prisons that  
15 he be allowed to participate in such educational and  
16 vocational training as he may be interested, particularly with  
17 respect to his obtaining a GED or other educational  
18 certification as may benefit him.

19 Now, I note that Mr. Walker has been in federal  
20 custody since his arrest on January 25th, 2024. I understand  
21 that a part of that period of time was actually in state  
22 custody?

23 **MS. BLANCHARD:** That's correct, Your Honor. I  
24 talked to the Marshal's Office. He has been in federal  
25 custody since March 6th of 2024. As of Friday that was 226

1 days.

2           **THE COURT:** All right. I'll make that finding as a  
3 finding of fact on the record. Obviously it is the Court's  
4 position that with respect to time -- related to these charges  
5 and not in the service of any other sentence, he should get  
6 appropriate credit for that time served. However, that is  
7 uniquely the province of the Bureau of Prisons to calculate  
8 that credit for time served. But I will make that finding  
9 with regard to that for that purpose and their use in making  
10 that determination.

11           Now, I believe that I have calculated the advisory  
12 guideline range properly and correctly addressed all the  
13 points raised by the parties. However, if it is later  
14 determined that I have not, I will state for the record that I  
15 would have imposed this same sentence as an alternate variance  
16 sentence in light of all of the 18 U.S.C. Section 3553(a)  
17 factors, and in light of the totality of the circumstances  
18 present in this case. And I'll state for the record that I  
19 believe that this sentence is sufficient but not greater than  
20 necessary to accomplish the purposes of sentencing under the  
21 facts and circumstances of this case.

22           Are there any objections or exceptions to the form  
23 of the Court's sentence from the government?

24           **MS. SCHOEN:** No, Your Honor.

25           **THE COURT:** Any from the defense?



1                   **MS. BLANCHARD:** No, Your Honor.

2                   **THE COURT:** All right. Ms. Schoen, with respect to  
3 the preliminary order of forfeiture, does the government wish  
4 to have the Court incorporate that?

5                   **MS. SCHOEN:** Yes, Your Honor.

6                   **THE COURT:** We will do so. And I don't believe that  
7 there are any remaining counts as to this defendant; is that  
8 correct?

9                   **MS. SCHOEN:** That's correct.

10                  **THE COURT:** All right. Mr. Walker, with respect to  
11 your conviction and sentence in this case, you have the right  
12 to appeal those. You specifically have the right to appeal  
13 this sentence within 14 days from the entry of the written  
14 judgment in your case. That's likely to happen either later  
15 today or tomorrow. So to be on the safe side you would need  
16 to file your written notice of appeal with the Clerk of Courts  
17 office no later than two weeks from today. I'm going to ask  
18 Ms. Blanchard to go over those appeal rights with you today  
19 before you leave so that you have a clear understanding of  
20 exactly what you need to do. I'm sure she's already talked  
21 with you about that. I'll ask her to talk with you about that  
22 again.

23                  Ms. Blanchard, let me ask you, are there any other  
24 recommendations you'd like me to make to the Bureau of  
25 Prisons?

1                   **MS. BLANCHARD:** No, Your Honor.

2                   **THE COURT:** Okay. With respect to those  
3 recommendations, Mr. Walker, the Bureau of Prisons typically  
4 tries to accommodate whatever recommendations the Court makes.  
5 However, there are other considerations such as space  
6 availability, your security level, things having to do with  
7 your offense, and what you were convicted of that may affect  
8 that assignment to a location or your eligibility for certain  
9 programs. I don't think that will be a problem in this case.  
10 And it's one of the reasons that I expanded it to the entire  
11 District of South Carolina rather than a specific facility.  
12 So hopefully they can accommodate that.

13                   As you know or if you don't, I'm sure Ms. Blanchard  
14 has told you, if you do well during your period of  
15 incarceration you can earn significant time off your sentence  
16 so that it is not quite as long as it seems at this point.  
17 While you are well into middle age, I will tell you for those  
18 of us who have put your age far in the rear view mirror, you  
19 still are looking at having potentially a fair amount of  
20 quality time when you get out. I would encourage you to work  
21 toward that, and I'd also encourage you as the saying goes,  
22 "Bloom where you're planted." Try to take advantage of the  
23 time that you have even while you're incarcerated to better  
24 yourself and to do things to build yourself up both in terms  
25 of qualities you'll need upon your release but also your

1 character and self discipline, those type things that you can  
2 work on. There's no way to sugarcoat this or put lipstick on  
3 this pig. It's a lot of time. And I don't want to try to  
4 tell you that it's not. But it's one of those things where  
5 actions have consequences. And I know that you're old enough  
6 to understand that. I simply wish you the best of luck. All  
7 right. Anything further from the government?

8 **MS. SCHOEN:** No, Your Honor.

9 **THE COURT:** Anything further from the defense?

10 **MS. BLANCHARD:** No, Your Honor.

11 **THE COURT:** That will conclude this matter. We'll  
12 be in recess till our next hearing.

13 (Court recessed at 11:27 a.m.)

14

15 **CERTIFICATE**

16 I, Michele E. Becker, certify that the foregoing is  
17 a correct transcript from the record of proceedings  
18 in the above-entitled matter.

19

20 /s/ Michele E. Becker

Date: 12/23/2024

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